

ATTACHMENT 44

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

VIDEO DEPOSITION OF DEEPAK MALIK
San Francisco, California
Thursday, May 19, 2016
Volume I

REPORTED BY:
REBECCA L. ROMANO, RPR, CSR No. 12546
JOB NO. 2309373
PAGES 1 - 202

Page 3

APPEARANCES OF COUNSEL

For the Plaintiff:

QUINN EMANUEL URQUHART & SULLIVAN, LLP
BY: SARA JENKINS
Attorney at Law
555 Twin Dolphin Drive
5th Floor
Redwood Shores, California 94065
(650) 801-5040
sarajenkins@quinnemanuel.com

For the Defendants:

KEKER & VAN NEST, LLP
BY: BRIAN FERRALL
Attorney at Law
633 Battery Street
San Francisco, California 94111
(415) 391-5400
bferrall@kvn.com

/////

Page 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
CISCO SYSTEMS, INC.,
Plaintiff,
vs. Case No. 5:14-cv-05344-BLF
(PSG)
ARISTA NETWORKS, INC.
Defendant.

DEPOSITION OF DEEPAK MALIK, taken on behalf of
the Defendant, at Keker & Van Nest, LLP,
633 Battery Street, San Francisco, California,
commencing at 9:41 a.m., Thursday, May 19, 2016, before
Rebecca L. Romano, Certified Shorthand Reporter
No. 12546.

Page 4

APPEARANCES OF COUNSEL (cont'd)

For the Defendants:

WILSON SONSINI GOODRICH & ROSATI
BY: BRADLEY T. TENNIS
Attorney at Law
650 Page Mill Road
Palo Alto, California 94304-1050
(650) 849-3056
btennis@wsgr.com

ALSO PRESENT:

Ramon Peraza, Videographer

/////

Page 5			Page 7		
1	INDEX		1	EXHIBITS (cont'd)	
2	DEPONENT	EXAMINATION	2	NUMBER	PAGE
3	DEEPAK MALIK	PAGE	3	DESCRIPTION	
4	VOLUME I		4	Exhibit 870 Native Version, Information	
5	BY MR. FERRALL	14	5	About CSI-ANI-00056464;	104
6			6		
7			7	Exhibit 871 Email String,	
8			8	CSI-CLI-02112360 -	
9			9	CSI-CLI-02112406;	108
10	EXHIBITS		10		
11	NUMBER	PAGE	11	Exhibit 872 Document, Arista 7048	
12	DESCRIPTION		12	Gigabit Internet Leaf Switch	
13	Exhibit 864 Email String,		13	Data Sheet,	
14	CSI-ANI-00098515 -		14	ARISTANDCA00268265 -	
15	CSI-ANI-00098515.000002;	49	15	ARISTANDCA00268267;	113
16			16		
17	Exhibit 865 Presentation, Welcome to		17	Exhibit 873 PowerPoint, Global Enterprise	
18	Arista One-Day Competitive		18	Theater FSI Q2 Fiscal Year	
19	Training,		19	'11 Electronic Trading	
20	CSI-ANI-00500909		20	Competitive Update, Native	
21	CSI-ANI-00500961;	64	21	Version,	
22			22	CSI-CLI-01577353;	119
23			23		
24			24		
25	////		25	////	
Page 6			Page 8		
1	EXHIBITS (cont'd)		1	EXHIBITS (cont'd)	
2	NUMBER	PAGE	2	NUMBER	PAGE
3	DESCRIPTION		3	DESCRIPTION	
4	Exhibit 866 PowerPoint, Arista Competitive		4	Exhibit 874 Email 5/19/2011 & PowerPoint,	
5	Network World Response		5	Draft -	
6	SAVBU - 2/5/2010,		6	CSI-CLI-01577417	
7	CSI-ANI-00056446 -		7	CSI-CLI-01577473;	126
8	CSI-ANI-00056446.000032;	77	8		
9			9	Exhibit 875 Email String,	
10	Exhibit 867 Article, Cisco Nexus 7000		10	CSI-CLI-01588645	
11	Series Simplified End to		11	CSI-CLI-01588654;	130
12	End Management,		12		
13	CSI-ANI-00043659 -		13	Exhibit 876 Email & Attachment,	
14	CSI-ANI-00043659.000001;	94	14	3/29/2012,	
15			15	CSI-CLI-01386563	
16	Exhibit 868 PowerPoint, Arista Competitive		16	CSI-CLI-01386605;	136
17	Program Updates and Next Steps,		17		
18	CSI-ANI-00056463 -		18	Exhibit 877 Email String,	
19	CSI-ANI-00056463.000021;	100	19	CSI-CLI-01610893	
20			20	CSI-CLI-01610938;	145
21	Exhibit 869 PowerPoint, Arista,		21		
22	CSI-ANI-00056464 -		22	Exhibit 878 Email String,	
23	CSI-ANI-00056464.000062;	103	23	CSI-ANI-00105548 -	
24			24	CSI-ANI-00105548.000001;	154
25	////		25	////	

Page 9			Page 11		
1	EXHIBITS (cont'd)		1	EXHIBITS (cont'd)	
2	NUMBER	PAGE	2	NUMBER	PAGE
3	DESCRIPTION		3	DESCRIPTION	
4	Exhibit 879 Email String,		4	Exhibit 889 PowerPoint, Network	
5	CSI-ANI-00103013 -		5	Engineering Low Latency	
6	CSI-ANI-00103013.000002;	163	6	Switch Platform Review -	
7			7	Phase 3 - 2011, Nomura Services	
8	Exhibit 880 Email, 6/5/2014,		8	CSI-ANI-00055578 -	
9	CSI-ANI-00094720;	168	9	CSI-ANI-00055578.000026;	195
10			10		
11	Exhibit 881 Email, 5/31/2014,		11		
12	CSI-ANI-00094261;	170	12	PREVIOUSLY MARKED EXHIBITS	
13			13	Exhibit 606	34
14	Exhibit 882 PowerPoint, Cisco,		14		
15	CSI-ANI-00055255 -		15	Exhibit 607	73
16	CSI-ANI-00055255.000011;	175	16		
17			17	Exhibit 811	149
18	Exhibit 883 Insieme Tiger Team Meetings,		18		
19	6/11-12/2013,		19	Exhibit 819	114
20	CSI-ANI-00089451 -		20		
21	CSI-ANI-00089451.000030;	182	21		
22			22		
23	Exhibit 884 PowerPoint, Beat Arista		23		
24	1/10/2014,		24		
25	CSI-CLI-03277585;	186	25	/////	
Page 10			Page 12		
1	EXHIBITS (cont'd)		1	San Francisco, California; May 19, 2016	
2	NUMBER	PAGE	2	9:41 a.m.	
3	DESCRIPTION		3	---o0o---	
4	Exhibit 885 PowerPoint, Arista Files		4		
5	for IPO Highlights 3/31/2014,		5	THE VIDEOGRAPHER: Good morning. We are	09:41:40
6	CSI-ANI-00501043 -		6	on the record at 9:41 a.m. on May 19th, 2016. This	
7	CSI-ANI-00501058;	187	7	is the videotaped deposition of Mr. Deepak Malik.	
8			8	My name is Roman Peraza, here with our	
9	Exhibit 886 Email String,		9	court reporter, Rebecca Romano. We are here from	
10	CSI-ANI-00090557 -		10	Veritext Legal Solutions at the request of counsel	09:41:56
11	CSI-ANI-00090557.000003;	189	11	for the defendant.	
12			12	This deposition is being held at	
13	Exhibit 887 Miscellaneous Screen		13	Keker & Van Nest in San Francisco.	
14	Shots,		14	The caption of this case is	
15	CSI-ANI-00056507 -		15	Cisco Systems, Inc., versus Arista Networks, Inc.,	09:42:06
16	CSI-ANI-00056507.000001;	193	16	Case No. 5:14-cv-05344-BLF (PSG).	
17			17	Please note that audio and video	
18	Exhibit 888 PowerPoint, Why a Bare		18	recording will take place unless all parties have	
19	Metal Switch Running		19	agreed to go off the record.	
20	Cumulus Linux,		20	Microphones are sensitive and may pick up	09:42:30
21	CSI-ANI-00096524 -		21	whispers or private conversations.	
22	CSI-ANI-00096524.000044;	194	22	At this time, Counsel, please identify	
23			23	yourselves for the record and state whom you	
24			24	represent.	
25	/////		25	MR. FERRALL: Brian Ferrall on behalf of	09:42:40

Page 13

1 defendant, Arista Networks. 09:42:41

2 MR. TENNIS: Brad Tennis from
3 Wilson Sonsini Goodrich & Rosati on behalf of
4 Arista.

5 MS. JENKINS: Sara Jenkins from 09:42:49
6 Quinn Emanuel on behalf of Cisco and the witness.

7 THE VIDEOGRAPHER: The court reporter may
8 now swear in the witness.

9 THE REPORTER: If you could raise your right
10 hand for me, please. 09:43:09

11 THE DEPONENT: (Complies.)

12 THE REPORTER: You do solemnly state,
13 under penalty of perjury, that the testimony you
14 are about to give in this deposition, shall be the
15 truth, the whole truth and nothing but the truth? 09:43:09

16 THE DEPONENT: I do.

17
18
19
20 09:43:09

21
22
23
24
25 09:43:09

Page 14

1 DEEPAK MALIK, 09:43:09
2 having been administered an oath, was examined and
3 testified as follows:

4
5 EXAMINATION 09:43:09
6 BY MR. FERRALL:

7 Q. Good morning.

8 A. Good morning.

9 Q. Please state your full name.

10 A. Deepak Malik. 09:43:12

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 Q. You understand you are testifying under
15 oath today? 09:43:25

16 A. Yes.

17 Q. Under penalty of perjury?

18 A. Yes.

19 Q. Have you ever testified in a deposition
20 before? 09:43:31

21 A. No.

22 Q. Okay. The things I want to remind you of
23 and be sure that we have an understanding is that
24 if you don't understand a question, you let me
25 know, and I will try to clarify it for you. Okay? 09:43:47

Page 15

1 A. Sure. 09:43:50

2 Q. And if you answer a question, I'm going
3 to assume you understood it. Okay? Is that fair?

4 A. Sure.

5 Q. It's important that you give audible 09:43:58
6 answers as opposed to nods of the head.

7 A. Sure.

8 Q. And -- and we will try -- we will both
9 endeavor -- and I'm sure your counsel will advise
10 us if we -- if we run afoul of this -- not to speak 09:44:09
11 over one another. Okay?

12 A. Sure.

13 Q. All right. Did you do anything to
14 prepare for the deposition today?

15 A. I just had briefing with my counselor 09:44:21
16 yesterday.

17 Q. Did you speak to any other Cisco
18 employees about the deposition?

19 A. No.

20 Q. Okay. Have you spoke to any Cisco 09:44:32
21 employees, other than legal department, about this
22 litigation?

23 A. No.

24 Q. Tell me what your position is currently
25 at Cisco, please. 09:44:53

Page 16

1 A. Sure. I'm a solutions 09:44:54
2 integrated dire- -- integration director. I am
3 responsible for architecture and solutions for a
4 lot of our large financial services customers.

5 Q. How long have you held that position? 09:45:11

6 A. Roughly four years or so.

7 Q. Okay. And can you explain a little bit
8 more about what your responsibilities are as a
9 solutions integration director?

10 A. My responsibility is to provide 09:45:24
11 consultative guidance to my clients in terms of
12 data center and cloud networking, architectures and
13 designs that meet their business needs.

14 Q. And are your -- when you say your
15 clients, those are either actual or prospective 09:45:50
16 Cisco customers; is that right?

17 A. Majority of them are existing Cisco
18 customers.

19 Q. Are you in the sales group at Cisco?

20 A. I am not in -- I am not in the sales 09:46:00
21 group at Cisco.

22 Q. What -- what group or department are you
23 in?

24 A. So I'm in the advanced services team,
25 which is part of the services organization within 09:46:09

Page 101	Page 103
<p>1 A. Yes. 01:14:32</p> <p>2 Q. Okay. And you would have received this,</p> <p>3 right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. I notice on page 15, you are -- 01:14:38</p> <p>6 you are listed as a team member in the sales</p> <p>7 organization; is that -- was that accurate?</p> <p>8 A. It's not accurate.</p> <p>9 Q. Where -- where should have you -- should</p> <p>10 you have been listed there? 01:14:56</p> <p>11 A. Services, yeah.</p> <p>12 Q. Okay. Is services --</p> <p>13 A. It's not listed here.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah. It's -- I think they just lumped, 01:15:06</p> <p>16 because I'm in the field.</p> <p>17 Q. Okay. Fair enough.</p> <p>18 If you look at page 3 of this exhibit --</p> <p>19 A. Uh-huh.</p> <p>20 Q. -- there's a slide entitled "Brief Arista 01:15:16</p> <p>21 History and Cisco Mobilization."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. All right. And the first entry in 2008</p> <p>25 says: 01:15:28</p>	<p>1 which we discussed already. Not the microbursts 01:16:22</p> <p>2 specifically.</p> <p>3 Q. Okay. And the 2010 entry here on page 3</p> <p>4 confirms what I -- what I think was your belief,</p> <p>5 that Cheetah Street started -- 01:16:35</p> <p>6 A. Yes.</p> <p>7 Q. -- in 2010, right?</p> <p>8 A. Yeah.</p> <p>9 MR. FERRALL: All right. Okay. Put that</p> <p>10 aside. 01:16:45</p> <p>11 Let's mark that, please.</p> <p>12 (Exhibit 869 was marked for identification</p> <p>13 the court reporter and is attached hereto.)</p> <p>14 Q. (By Mr. Ferrall) 869 is a document just</p> <p>15 with the title -- it's a PowerPoint with the title 01:17:36</p> <p>16 "Arista," and it was Control No. CSI-ANI-00056464</p> <p>17 through page 62.000062.</p> <p>18 Take a moment to glance through it, and</p> <p>19 let me know when you are done.</p> <p>20 A. Okay. Thank you. 01:18:09</p> <p>21 Okay.</p> <p>22 Q. You understand Exhibit 869 is a</p> <p>23 presentation prepared by the three Cisco employees</p> <p>24 who are listed on the front?</p> <p>25 A. Yes, that's correct. 01:20:25</p>
Page 102	Page 104
<p>1 Arista emerged as a competitor 01:15:28</p> <p>2 with high-profile wins in the</p> <p>3 high-frequency trading space and</p> <p>4 financials.</p> <p>5 Do you see that? 01:15:34</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. Does this refresh your memory at</p> <p>8 all about Arista's involvement in the</p> <p>9 high-frequency trading space in 2008?</p> <p>10 A. This does, yeah. It's been a while, but, 01:15:45</p> <p>11 yeah, this market was towards the end of -- you</p> <p>12 know, near the 2010 area, so if this is saying in</p> <p>13 2008, then that's accurate.</p> <p>14 Q. Okay. And the next -- in 2009, the entry</p> <p>15 says: 01:16:03</p> <p>16 Cisco responded with, quote,</p> <p>17 microburst, close quote,</p> <p>18 counter-messaging and targeted</p> <p>19 programs to slow Arista.</p> <p>20 Do you see that? 01:16:12</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember what that Cisco response</p> <p>23 entailed?</p> <p>24 A. Not off the top of my head, no. I</p> <p>25 remember Cheetah Street, which is the next after, 01:16:19</p>	<p>1 Q. I think we -- we talked about 01:20:29</p> <p>2 Mr. Srivatsa, and we talked about Mr. Duncan.</p> <p>3 Do you know Mr. Pletcher, Drew Pletcher?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And what was his role at -- at 01:20:40</p> <p>6 Cisco, or what is his role at Cisco?</p> <p>7 A. His role today, he covers a -- he's a</p> <p>8 systems engineer. He covers some of the</p> <p>9 cloud-based accounts in the sales organization.</p> <p>10 Q. I don't know if you could tell from -- 01:20:58</p> <p>11 from glancing through Exhibit 869 the approximate</p> <p>12 date of this presentation?</p> <p>13 A. I can't, but one thing I can deduce just</p> <p>14 from the title of the gentlemen's that are here,</p> <p>15 this presentation is probably 2008 or '9-ish, 01:21:12</p> <p>16 around there.</p> <p>17 Q. Okay. I think that was a pretty good</p> <p>18 estimate. I'm going to --</p> <p>19 A. Okay.</p> <p>20 Q. -- I'm going to show you -- why don't we 01:21:32</p> <p>21 mark this, and this is the -- sorry.</p> <p>22 (Exhibit 870 was marked for identification</p> <p>23 the court reporter and is attached hereto.)</p> <p>24 Q. (By Mr. Ferrall) Exhibit 870 is the</p> <p>25 printout of the properties for the native version 01:21:48</p>

<p style="text-align: right;">Page 105</p> <p>1 of the document that -- 01:21:58</p> <p>2 A. Okay.</p> <p>3 Q. -- that we are looking at.</p> <p>4 And you will see under the -- the dates</p> <p>5 down there, last modified, February 13th, 2009? 01:22:07</p> <p>6 A. Yes.</p> <p>7 Q. That sounds --</p> <p>8 A. Right.</p> <p>9 Q. -- consistent with what you observed in</p> <p>10 the document? 01:22:15</p> <p>11 A. That's correct.</p> <p>12 Q. And -- and what was your estimate based</p> <p>13 on, your -- your estimate of 2008, 2009?</p> <p>14 A. Oh, just -- just the -- the roles of</p> <p>15 these individuals. 01:22:24</p> <p>16 Q. I got it.</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Very good.</p> <p>19 A. Because the term "SAVBU," we no longer --</p> <p>20 we haven't used that in a while, and, plus, Drew is 01:22:31</p> <p>21 in a different role.</p> <p>22 Q. So what was Mr. Pletcher's role in the</p> <p>23 2009 time frame?</p> <p>24 A. He worked for the business unit directly</p> <p>25 as a -- as an engineer. 01:22:42</p>	<p style="text-align: right;">Page 107</p> <p>1 what -- can you read the first bullet point under 01:24:06</p> <p>2 that?</p> <p>3 A. "Industry standard CLI."</p> <p>4 Q. Do you know what is meant there by that</p> <p>5 description of EOS? 01:24:18</p> <p>6 MS. JENKINS: Objection. Calls for</p> <p>7 speculation.</p> <p>8 THE DEPONENT: I do not because this is</p> <p>9 an Arista slide.</p> <p>10 Q. (By Mr. Ferrall) Do you remember any 01:24:29</p> <p>11 discussion at -- at all amongst your -- your</p> <p>12 colleagues about the fact that Arista was calling</p> <p>13 its CLI an industry standard?</p> <p>14 A. Nope. Negative. I mean, there's other</p> <p>15 things in this document which are more interesting. 01:24:49</p> <p>16 Q. Then the CLI?</p> <p>17 A. This -- this was a small piece. I mean,</p> <p>18 a lot of my -- my personal focus has been on</p> <p>19 performance in -- in those areas. So I,</p> <p>20 personally, did not focus on that bullet item, but 01:25:03</p> <p>21 maybe some others have. I'm not sure.</p> <p>22 Q. Okay. By the way, sorry, you mentioned</p> <p>23 something. You said on this page 49 --</p> <p>24 A. Forty-nine, yes.</p> <p>25 Q. You said this was an Arista slide? How 01:25:41</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. Having glanced through Exhibit 869, does 01:22:53</p> <p>2 this refresh your memory at all about whether you</p> <p>3 received this?</p> <p>4 A. I have seen slides -- pieces -- I have</p> <p>5 seen a lot of these slides before. I can't 01:23:02</p> <p>6 guarantee I have seen all of them, but a lot of</p> <p>7 these do look familiar, yes.</p> <p>8 Q. Okay. Do you know how this was prepared?</p> <p>9 MS. JENKINS: Objection. Calls for</p> <p>10 speculation. 01:23:15</p> <p>11 THE DEPONENT: How it was prepared? No.</p> <p>12 Q. (By Mr. Ferrall) And what was the</p> <p>13 purpose of Exhibit 869, to your knowledge?</p> <p>14 A. To my knowledge, it's education on some</p> <p>15 of Arista's products and -- yeah, a lot of them are 01:23:32</p> <p>16 pretty much product-centric, performance tests,</p> <p>17 speeds and feeds, architecture.</p> <p>18 Q. If you could look at page 49?</p> <p>19 A. Yes.</p> <p>20 Q. This is a slide entitled "EOS Feature 01:23:54</p> <p>21 Timeline"?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. And under "Beta Code Release 2007.1," 01:24:00</p>	<p style="text-align: right;">Page 108</p> <p>1 do you know that? 01:25:43</p> <p>2 A. I -- I mean -- well, some -- some of</p> <p>3 these are look and feel of Arista's -- I mean,</p> <p>4 these are not -- this is not Cisco-authored. Like</p> <p>5 I would -- you know, so a lot of them look like 01:25:57</p> <p>6 Arista slides, and I am not 100 percent sure, but</p> <p>7 based on all the other slides, that looks like</p> <p>8 Arista slides. My judgment would be that this is</p> <p>9 an Arista slide, because all the other</p> <p>10 documents are -- they are not ours, obviously. 01:26:19</p> <p>11 Q. Okay. So you don't -- it's not that you</p> <p>12 have seen this slide 49 presented by Arista?</p> <p>13 A. I have not, no.</p> <p>14 Q. Okay. And so you -- I take it we should</p> <p>15 ask the authors of this to determine where they got 01:26:42</p> <p>16 this information; is that fair?</p> <p>17 A. Sure.</p> <p>18 MR. FERRALL: Okay. Let's mark this as</p> <p>19 the next exhibit.</p> <p>20 (Exhibit 871 was marked for identification 01:27:34</p> <p>21 the court reporter and is attached hereto.)</p> <p>22 Q. (By Mr. Ferrall) Exhibit 871 is a</p> <p>23 document that is a -- appears to be some sort of</p> <p>24 email or chat thread. It has Control Nos.</p> <p>25 CSI-CLI-02112360 to 2406, and from the -- from the 01:27:57</p>

Page 197

1 it to me. 04:44:40
 2 Q. Okay. I just notice that there's --
 3 there's no -- you know, other than what the
 4 attorneys put on --
 5 A. Uh-huh. 04:44:50
 6 Q. -- there's no confidentiality indication
 7 on it, and so I am wondering whether -- your
 8 understanding whether this document really is
 9 confidential?
 10 MS. JENKINS: Objection. Calls for 04:45:04
 11 speculation.
 12 THE DEPONENT: I don't know. It was
 13 forwarded to me from -- like I said, so I -- I
 14 looked at it.
 15 Q. (By Mr. Ferrall) Okay. Do you recall 04:45:11
 16 having any reaction to the -- the results of
 17 Nomura's testing?
 18 A. Nothing specifically. I mean, the
 19 results are the results, and it's -- it's their
 20 perception of how they specifically tested these 04:45:30
 21 two products in their specific environment, so it
 22 doesn't really call out one product to the another.
 23 It's specific to the customer.
 24 Q. Was there any follow-up with -- with
 25 Nomura that you remember following -- following 04:45:46

Page 198

1 this test? 04:45:48
 2 A. Not with me specifically, but if there
 3 were from the account team, then that could have
 4 been possible.
 5 Q. Do you know if the -- the testing that's 04:45:59
 6 described here in Exhibit 889 -- was that the
 7 precursor to a particular deal?
 8 A. I don't know. I would have to have ask
 9 the sales team.
 10 Q. If you look at the second-to-last page 04:46:34
 11 or --
 12 A. Okay.
 13 Q. -- it's the page ending in 024 in the
 14 small numbers at the bottom.
 15 A. Okay. 04:46:44
 16 Q. This is a page entitled "General CLI."
 17 Do you see that?
 18 A. Yes, I do.
 19 Q. Okay. And can you just read the first
 20 paragraph in -- in this page? 04:47:00
 21 A. The Cisco Nexus provides a standard CLI
 22 as you would expect from a standard Cisco Nexus
 23 device. The Arista is very similar to Cisco CLI
 24 with a mix between IOS and NX-OS; however, it
 25 lacks some of the additional information that you 04:47:19

Page 199

1 would get from the Cisco output. 04:47:21
 2 Q. Okay. Do you remember reading that when
 3 you got this document in 2011?
 4 A. No.
 5 Q. Do you recall any discussion amongst your 04:47:34
 6 colleagues at Cisco about the fact that Nomura
 7 observers Arista having a similar CLI to Cisco's?
 8 A. No.
 9 Q. Okay. I think I neglected to ask you --
 10 A. Yes. 04:47:58
 11 Q. -- about your education.
 12 A. Okay.
 13 Q. What's your -- what degrees do you have?
 14 A. I have a bachelor's in computer science,
 15 Bachelor's of Science, and then I have a master's 04:48:07
 16 in information systems.
 17 Q. And where did you get those degrees?
 18 A. The first one was at Long Island
 19 University -- I'm sorry. The first one is Dowling
 20 College, and the second one is Long Island 04:48:19
 21 University.
 22 Q. Okay. Bear with me just a second.
 23 In the statement of the high-speed
 24 switching market that you are most familiar with,
 25 who you would identify as Cisco's, say, top five 04:49:17

Page 200

1 competitors over the past five years? 04:49:22
 2 A. When you say "high-speed switching," you
 3 don't necessarily mean the low latency, just --
 4 just data server switching, correct?
 5 Q. Yeah, let me be clear. 04:49:36
 6 A. Yeah.
 7 Q. I want to focus on what you know about
 8 most.
 9 So within your segment --
 10 A. Uh-huh. 04:49:42
 11 Q. -- of data center switching --
 12 A. Yes.
 13 Q. -- who would you identify as Cisco's top
 14 five competitors over the last five years?
 15 A. Juniper, Arista, HP, Huawei. I would say 04:49:55
 16 those four that come to mind, and Huawei
 17 predominantly being outside the U.S.
 18 Q. And do you have any view as to who among
 19 those four has -- has taken the most market share
 20 from Cisco? 04:50:30
 21 A. I would say Arista in the last two, three
 22 years, if I had to guess.
 23 Q. Before that? Do you --
 24 A. I mean, Juniper has always been there, so
 25 they are still there, so we do compete against 04:50:50

Page 201

1 them. 04:50:57

2 MR. FERRALL: Okay. I have no further
3 questions. Thank you.

4 THE DEPONENT: Oh. Thank you.

5 MS. JENKINS: Nothing from me. Thank 04:51:21
6 you.

7 THE VIDEOGRAPHER: This is the end of
8 today's deposition of Mr. Deepak Malik. We are off
9 the record at 4:51 p m. Total number of media used
10 was two, and they will be retained by Veritext.

11 Thank you.

12 (TIME NOTED 4:51 p m.)

13
14
15
16 ---o0o---
17
18
19
20
21
22
23
24
25

Page 202

1 I, Rebecca L. Romano, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken before me
4 at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were administered an oath; that a record of
7 the proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is true record of the
10 testimony given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [X] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney or any party to this action.

18 IN WITNESS WHEREOF, I have this date subscribed my
19 name.

20
21 Dated: June 2, 2016
22

23 <%signature%>

24 Rebecca L. Romano, RPR,
25 CSR. No 12546